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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,525	12/27/2004	Frans A Audenaert	57402US004	6404

32692 7590 10/18/2007  
3M INNOVATIVE PROPERTIES COMPANY  
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ST. PAUL, MN 55133-3427

EXAMINER
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SELLMAN, CACHET I

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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10/18/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,525	<b>Applicant(s)</b> AUDENAERT ET AL.	
	<b>Examiner</b> Cachet I. Sellman	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10 and 12 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/17/2007</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4-9 and 11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Allewaert et al. (US 6162369).

Allewaert et al. discloses a fluorochemical composition, which is used to impart stain and water resistance properties to a substrate. The composition comprises a fluorochemical oligomer which is formed by free radical oligomerization of fluorochemical monomers with a hydrocarbon monomer. The fluorochemical monomers comprise a fluoroaliphatic radical having 3 – 18 carbon atoms (col. 4, lines 31-49), an organic divalent linking group (col. 4, line 66 – col. 5, line 4) and a free radically polymerizable groups that contain an ethylenically unsaturated moiety capable of polymerization with itself or each other (see col. 5, lines 10-18 and see col. 5, lines 30-36). The hydrocarbon monomer can be vinylchloride and vinylidene chloride (see col. 6,

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lines 8-16). The composition is applied to the substrate in an amount of 0.01-5% by weight based on the weight of the substrate (col. 9, line 31-37). The composition can be applied to substrates such as plastic, metal, glass, fibrous materials such as textile fabrics, wood, non-wovens and paper (col. 10, lines 11-15). For the molar percentages see examples as required by claims 1-3, 9 and 12.

4. Claims 1-3, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Coppens et al. (US 5536304).

Coppens et al. teaches a composition used as a water and oil repellant which comprises a fluorochemical component can have the formula:  $R_fR^1OCOC(R^2)=CH_2$  which is a copolymer of one or more fluoroaliphatic radical containing acrylate or methacrylate monomers ( $R_f$ ),  $R^1$  can be a divalent linking group,  $R^2$  can be hydrogen or methyl (see col. 3, lines 36- col. 4, line 1) and one or more fluorine free (or hydrocarbon) terminally ethylenicallyunsaturated co-monomers. The fluoroaliphatic radical has 3-14 carbons and the fluorine free (or hydrocarbon) terminally ethylenicallyunsaturated co-monomers can be vinylchloride or vinylidene chloride (col. 4, lines 31-37). The fluorinated monomer is present in the amount of 50-95% and the co-monomer is in the amount of 5-50%, which may vary (col. 4, lines 38-40). The composition is applied to the substrate which can be textile fabrics, fibres, non-wovens, leather, paper plastic, wood, metal, glass, etc (col. 6, lines 37-41) in an amount of 0.01-5% based on the weight of the substrate as required by **claims 1-3, 9 and 12**.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cachet I. Sellman whose telephone number is 571-272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman  
Examiner  
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**/William Phillip Fletcher III/**

Primary Examiner